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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,889	01/11/2002	Christopher D. LaBaw	2631-001	6275

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MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

EXAMINER

NAWAZ, ASAD M

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/043,889

Applicant(s)

LABAW, CHRISTOPHER D.

Examiner

Asad M Nawaz

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 1-18 and 20-21 are presented for examination. Claims 19 and 22 have been canceled.
2. The preliminary amendments have been acknowledged, however, another copy of the first preliminary amendment is requested with the response to this office action.
3. The information disclosure statement filed on 12/01/04 has been acknowledged.

Claim Objections

Claim 5 is objected to because of the following informalities: There are typographical errors in the claim language. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Rigaldies et al (US Patent No 6,792,085) hereinafter referred to as Rigaldies.

As to claim 1, Rigaldies teaches a unified messaging system, comprising:

a network; (Abstract)

a first messaging system connected to the network; (Abstract)
at least one additional messaging system connected to the network; (Abstract)
a network-connected device employing a software tool to integrate said
messaging systems, said software tool comprising:

means to accept lists of messages from each messaging system, means
to correlate changes to said messages based on definable parameters selected
from the group consisting of size, date, type, and status, (col 3, lines 37-56)

and means to replicate and synchronize said messages between all of the
messaging systems so that they contain identical content.(col 3, lines 3-36)

Claim 7 contains similar limitations as the above-mentioned claim and is thus
rejected under similar rationale.

As to claim 2, Rigaldies teaches the unified messaging system of claim 1, further
comprising a shared file system connected to said network. (col 4, lines 30-35; col 8,
lines 37-38)

As to claim 3, Rigaldies teaches the unified messaging system of claim 2,
wherein said shared file system includes means for storing flat files.(col 4, lines 11-13;
col 8, lines 37-38)

Claim 8 contains similar limitations as the above-mentioned claim and is thus
rejected under similar rationale.

As to claim 4, Rigaldies teaches the unified messaging system of claim 3,
wherein said shared file system comprises an additional messaging system.(Abstract;
col 1, lines 43-46)

Claim 9 contains similar limitations as the above-mentioned claim and is thus rejected under similar rationale.

As to claim 5, Rigaldies teaches the unified messaging system of claim 1, wherein said means to accept accepts messages selected from the group consisting of voice, e-mail, fax, SMS, IM, and pager.(Abstract; col 3, lines 1-2)

Claim 10 contains similar limitations as the above-mentioned claim and is thus rejected under similar rationale.

As to claim 6, Rigaldies teaches the unified messaging system of claim 1, wherein said means to replicate reproduces message content in an appropriate standard format for each messaging system. (col 3, lines 17-25)

Claim 11 contains similar limitations as the above-mentioned claim and is thus rejected under similar rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-18 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rigaldies et al (US Patent No 6,792,085) hereinafter referred to as Rigaldies further in view Ogle et al (US Patent 6,430,604).

As to claim 12, Rigaldies teaches the method of claim 7 wherein said plurality of messaging systems connected to the network includes at least two disparate systems, thereby enabling users of each to communicate between said two disparate systems.
(col 3, lines 17-25)

Rigaldies, however, does not explicitly indicate the two disparate systems being Instant Messaging systems.

Ogle teaches the use of disparate Instant Messaging in a unified messaging system. (Abstract; col 1, lines 21-33)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Ogle et al into those of Rigaldies to make the system user-friendly. Using instant messaging allows a user to quickly and informally transmit or request information. By allowing the system to incorporate instant messaging would be in the user's interest. Furthermore, little or no additional components would be required.

As to claim 13, Rigaldies teaches a method for forwarding and synchronizing messages between end-users on a network, comprising the steps of:

receiving a message from a first end-user via a system connected to the network, said message being addressed to a second end-user; (Abstract; col 3, lines 17-25)

replicating the content of said message in an appropriate standard format recognizable to a wireless messaging system connected to the network; (Abstract; col 3, lines 17-25)

and causing said replicated message to be transmitted to said second end-user via said wireless messaging system, resulting in said system and said wireless messaging system each containing the content of said message, whereby said first end-user and said second end-user are able to continue to communicate via the system and the wireless messaging system.(col 3, lines 26-56)

However, Rigaldies does not explicitly indicate one of the messaging systems to be an instant message system.

Ogle et al teach a unified messaging system with the use of instant messaging, pagers, cell phones, etc.(Abstract)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Ogle et al into those of Rigaldies to make the system user-friendly. Using instant messaging allows a user to quickly and informally transmit or request information. By allowing the system to incorporate instant messaging would be in the user's interest. Furthermore, little or no additional components would be required.

As to claim 14, Rigaldies teaches the method of claim 1.3, wherein said wireless messaging system is a mobile telephone communications system. (col 2 , lines 52-67 and col 9, lines 43-45)

As to claim 15, Rigaldies teaches the method of claim 13, wherein at least a portion of the network comprises the Internet. (col 9, lines 37-38)

As to claim 16, Rigaldies teaches the method of Claim 15, wherein said first end-user accesses said IM system via a client computer. (col 7, lines 29-49)

As to claim 17, Rigaldies teaches the method of Claim 16, wherein said second end-user accesses said wireless messaging system via a mobile telephone. (col 7, lines 29-49)

As to claim 18, Rigaldies teaches the method of Claim 13, wherein said replicating step comprises the step of: determining when a new version of said instant message has been received by correlating changes to said instant message based on at least one definable parameter selected from the group consisting of size, date, type, and status.(col 3, lines 38-56)

Claim 20 is essentially the computer program product for claim 13 above and is thus rejected under similar rationale.

Claim 21 is essentially the computer program product for claim 13 above and is thus rejected under similar rationale.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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